

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

SERGIO H. HERNANDEZ,

Defendant.

Case No.: 2:07-cr-00110-RLH-GWF

O R D E R

Before the Court is Defendant Sergio H. Hernandez's Motion to Obtain Concurrent Jurisdiction (State and Federal) of the Sentences (#36, filed Apr. 14, 2014). Defendant requests the Court modify his sentence to run concurrently, rather than consecutively, with two state-sentences he is currently serving. The Court determines that no response from the government is required as Defendant's motion is without merit on its face.

On February 15, 2008, Defendant pled guilty to one count of reentry of a removed alien in violation of 8 U.S.C. § 1326.¹ The Court then sentenced Defendant on July 11, 2008, to fifty-seven (57) months imprisonment, specifying that the sentence was to run consecutively with

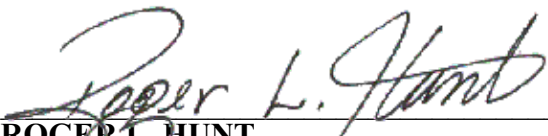
¹ The Judgment erroneously lists the violation under "18 U.S.C. § 1326."

1 Defendant's state sentences (#34, entered Jul. 21, 2008). Defendant did not appeal the sentence or
2 collaterally attack it under 28 U.S.C. § 2255, and the time for doing so has passed.

3 Defendant requests a concurrent sentence so that the federal sentence will not be
4 pending if parole is granted on his state sentences. Defendant's Counsel advanced this argument
5 at the sentencing hearing and the Court rejected it. Defendant's present motion does not provide
6 any additional justification for a concurrent sentence, and the Court sees no reason to grant such a
7 modification. Consequently, the motion is denied.

8 IT IS SO ORDERED.

9 Dated: April 16, 2014.

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12 **ROGER L. HUNT**
13 **United States District Judge**
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